

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

18 AUG 1976

OLC: 76-1735/a

Honorable Bella S. Abzug, Chairwoman
Subcommittee on Government Information and
Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Madam Chairwoman:

This letter is in response to your request of 10 June 1976 inquiring into the policies of this Agency regarding records disposal, particularly methods and procedures for transferring files and records to the National Archives.

The Central Intelligence Agency has statutory obligations under 44 U.S.C. 33 to obtain approval of the Administrator of General Services for the retention and destruction of records. As you are aware, the mechanism for obtaining this approval is the submission of records control schedules to the Archivist. In compliance with GSA Bulletin FPMR B-62 dated 22 January 1976, we are presently updating all of our records control schedules for submission to the National Archives and Records Service (NARS) by 31 December 1976. These records control schedules specify the period of retention for each file series and request approval for either retention of permanent records or the disposition of nonarchival records after the expiration of a specified period.

The Agency transfers files and records to the National Archives in accordance with provisions of the Federal Property Management Regulations (FPMR). Chapter 101, Section 11.411-3 governs the direct transfers of records and provides that "Such transfers shall be initiated by Federal agencies by written requests to the General Services Administration specifying the nature and quantity of records proposed for transfer." The most recent transfer of records to NARS involved 167 motion picture subjects produced or acquired by the Office of Strategic Services during World War II. A copy of the accession inventory is enclosed per your request.

MORI/CDF



Current CIA regulations provide that "all information, classified or unclassified, received, compiled, or created by the Central Intelligence Agency (except personal copies of unclassified personnel papers) is official data and is the property of the United States Government." Current CIA regulations do not otherwise recognize a category of records characterized as "personal papers." Our regulations do not permit the removal from the Agency for personal use of documents, copies of documents, or other information, whether by a Presidential appointee or civil servants.

In the past ten years, the Agency has taken action against two employees for the unauthorized destruction or taking of records. One case involved an Agency employee who was discovered having classified material in his home. The employee's contract was terminated as it was determined that the presence of the classified material was in contravention of specific Agency regulations. The other case involved an employee who destroyed documents without authorization. The employee was suspended and later was allowed to retire.

Sincerely,

/s/ George Bush

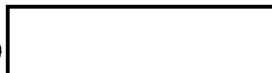
George Bush
Director

Enclosure

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